



Disciplinary Procedures Policy checklist

This checklist should be used alongside the NEU's model policy on disciplinary procedures to help you negotiate a policy acceptable to the union. Non-negotiable points (ie those required by law or union policy) are highlighted. You may not be able to secure everything on this checklist – if that is the case, you will need to consult members on whether the proposed policy is sufficiently positive to be acceptable.

More advice can be found on the NEU website at: neu.org.uk/help-advice

Application of procedure

Statement that the disciplinary procedure aims to:

- **improve conduct primarily by informal advice and support**
- **provide a fair and equitable method of dealing with alleged breaches in standards of conduct.**

Statement that the procedure does not apply to competence or ill health, cases which should be dealt with under separate procedures.

Where disciplinary action is being considered against an employee who is a union representative, the case will be discussed with a trade union official of the relevant union before any action is taken.

Definition of 'misconduct' and 'gross misconduct'.

Gross misconduct should only encompass misconduct that is so serious it may destroy the employment contract between the employer and the employee, and make further working relationships and trust impossible.

Informal action

Provision that less serious breaches of conduct should always be dealt with informally by meeting and discussing the matter with the employee.

Right to be accompanied

Right to be accompanied by a trade union representative or work colleague at all disciplinary meetings including informal meetings.

Disciplinary investigations

Statement that disciplinary investigations ensure that all parties have the opportunity to present their version of events.

Cases must be thoroughly investigated by a senior manager who is trained investigator and who must produce a clearly written investigation report and supporting evidence.

The investigation report should be completed as soon as possible and, at the latest, within 20 working days of the time the investigating officer begins their investigation.

Disciplinary hearings

The investigating officer's report and all relevant documentation, including the names of witnesses, nature of the allegations and all supporting documents, should be sent to the employee and their representative with a letter specifying the date, time and place for the hearing, giving no less than ten working days' notice.

Provision for postponement of proposed date if the employee's representative is not available on that day.

Letters must contain sufficient information about the alleged misconduct and its possible consequence if the allegations are proven.

At the hearing, all parties present should be given an opportunity to address the hearing, call witnesses and ask questions or challenge the reports/evidence submitted by all witnesses.

Employee and their representative should be informed of the decision in writing within five working days.

Appeals

Employees have the right of appeal against any sanction.

Employee should have 15 working days' notice to lodge an appeal with the chair of governors.

Employee/appellant should be given no less than ten working days' notice of the time and place of the appeal hearing.

Result of the appeal and the reasons for the decision should be conveyed to the appellant immediately after the hearing and confirmed in writing within five working days.

Appeal hearings cannot increase the sanction imposed on the employee.

Where an appeal against dismissal is successful, reinstatement should be from the original date with no break in employment continuity.

Disciplinary sanctions

Periods for warnings to be valid should be no more than the following:

Disciplinary action	Duration of warning on personal file
Oral warning	3-6 months
First written warning	6 months
Final written warning	12-18 months
Dismissal	n/a

Suspension

Recognition that suspension is not in itself a disciplinary sanction; it is a neutral act and is on full pay, and guidance on the circumstances when suspension should be considered.

Monitoring

The equality monitoring of the policy is undertaken annually or, at the very least, biennially. The results are shared with the recognised trade unions.

Revised January 2019